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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,988	07/05/2001	Yuta Nakai	210669US0	1677
38108	7590	01/21/2009	EXAMINER	
CERMAK & KENEALY LLP			MARVICH, MARIA	
ACS LLC				
515 EAST BRADDOCK ROAD			ART UNIT	PAPER NUMBER
SUITE B				
ALEXANDRIA, VA 22314			1633	
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			01/21/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* YUTA NAKAI,  
KAZUO NAKANISHI, YOSHIO KAWAHARA,  
HISAO ITO and OSAMU KURAHASHI

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Application No. 09/897,988  
Technology Center 1600

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Mailed: January 21, 2009

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Before KAREN SWEENEY, *Paralegal Specialist*

SWEENEY, *Paralegal Specialist.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 15, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

**EXAMINER'S CONSIDERATION OF REPLY BRIEF**

A Reply Brief was filed in this application on June 5, 2007. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 C.F.R. § 41.43(a)(1) and MPEP § 1208, part II.

**CONCLUSION**

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- 1) consider the Reply Brief filed June 5, 2007 as indicated above;
- 2) for such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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